

REMARKS

Applicant has reviewed the Restriction Requirement mailed July 23, 2004. Claims 1 through 50 are pending in the application. The Examiner has required election between Group I, Claims 1-13, Group II, Claims 14-25, Group III, Claims 26-36, and Group IV, Claims 37-50. Applicant elects Group I, Claims 1-13 with traverse.

Applicant respectfully requests reconsideration of the restriction requirement. Applicant respectfully submits that Claims 1-13 of Group I and Claims 37-50 of Group IV are directed to an apparatus and a means plus function claim set directed to the same apparatus, the apparatus being "an articulating pusher assembly for use in a nail loading assembly of a nail gun," as recited by both Independent Claims 1 and 37. Therefore, the claims of Group I and IV are sufficiently closely related so as not to pose an undue burden upon the Examiner and the examination process. The combination and sub-combination of the claims presented in Group I and IV are sufficiently closely related that examination of all of the claims would pose no serious burden on the Examiner. Applicant should not be forced to divide the invention across multiple applications and it is respectfully requested that the election of combination and sub-combination requirement be withdrawn and that all claims herein be examined together in their entireties. Thus, the Applicant respectfully requests that the claims of Group I and IV be examined together.

Appl. No. 10/665,172
Reply to: Restriction Requirement dated July 23, 2004
Title: ARTICULATING PUSHER ASSEMBLY

CONCLUSION

In light of the forgoing, reconsideration and allowance of the claims is earnestly solicited. Accordingly, notification to that effect is earnestly requested. In the event that issues arise in the application which may readily be resolved via telephone, the Examiner is kindly invited to telephone the prosecuting attorney, identified below, at (402) 496-0300 to facilitate prosecution of the application.

Respectfully submitted,
Porter-Cable Corporation,

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